

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ANTHONY BAFFO,

Plaintiff,

MEMORANDUM AND ORDER

-against-

CV 10-1245 (LDW) (ETB)

NEW YORK INSTITUTE OF TECHNOLOGY,
et al.,

Defendants.

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WEXLER, District Judge

Plaintiff Anthony Baffo brings this action against defendants New York Institute of Technology (“NYIT”), Robert Rizzuto, and Leonard Aubrey claiming that he was terminated from his employment at NYIT because of a disability in violation of the Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq.*, the New York State Human Rights Law, N.Y. Exec. Law § 290 *et seq.*, and the New York City Human Rights Law, N.Y.C.R.R. § 8-101 *et seq.* Defendants move for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure. Plaintiff opposes the motion.

Upon consideration, the Court finds that genuine issues of material fact exist, precluding the entry of summary judgment. See Fed. R. Civ. P. 56(a) (party seeking summary judgment must demonstrate that “there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law”); *Celotex Corp. v. Catrett*, 477 U.S. 317, 322 (1986); *Gallo v. Prudential Residential Servs. Ltd. P’ship*, 22 F.3d 1219, 1223-24 (2d Cir. 1994). Such issues include the causal connection between

defendants learning of plaintiff's disability and his termination, the reason for his termination, and whether his disability was a motivating factor in defendants' decision to terminate him.

Accordingly, defendants' motion for summary judgment is denied.

SO ORDERED.

/s/
LEONARD D. WEXLER
UNITED STATES DISTRICT JUDGE

Dated: Central Islip, New York
January 18, 2012